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United States General Accounting Office

GAO

Fact Sheet for the Honorable  
Harry Reid, U.S. Senate

April 1988

# INDIAN AFFAIRS

## Statistical Data on Indian Rights Cases Handled by Justice



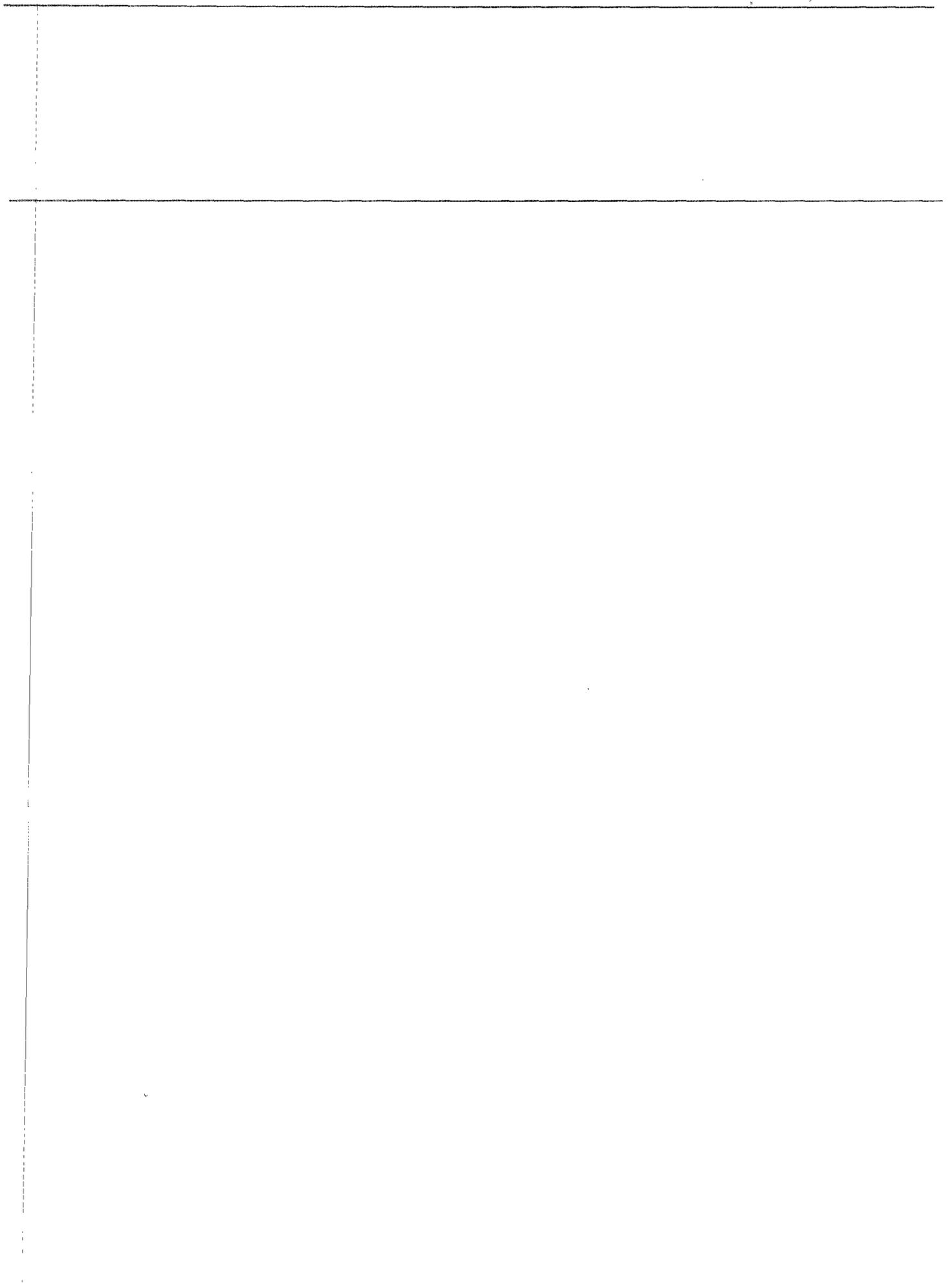
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United States  
General Accounting Office  
Washington, D.C. 20548

Resources, Community, and  
Economic Development Division

B-230532

April 26, 1988

The Honorable Harry Reid  
United States Senate

Dear Senator Reid:

In your November 9, 1987, letter, you asked us to quantify the costs, in time and money, associated with the federal government's efforts to defend and promote the rights of American Indians. In subsequent discussions with your office, you asked that we acquire statistical data on these costs for fiscal years 1982 through 1987 but exclude those costs incurred on behalf of Alaskan Natives. You also asked that we limit our review to the Department of Justice, which has responsibility for providing litigation services for Indians.

Title 25 U.S.C. 175 directs that U.S. Attorneys represent Indians in all suits to protect and defend their rights and privileges. Within the Department of Justice, the Indian Resources Section, Land and Natural Resources Division, carries out this responsibility of defending Indian rights and privileges. Cases are referred to the Indian Resources Section by other federal agencies that are charged by law with protecting Indian rights. This fact sheet presents detailed statistical information on the Indian Resources Section's case load and staffing and associated costs incurred in defending Indian rights.

In summary, we found that for fiscal years 1982 through 1987 the Indian Resources Section expended about \$5.1 million to carry out its mission of litigating Indian rights cases. Of the \$5.1 million, about \$3.9 million was for personnel compensation and benefits. The remaining \$1.2 million was for other expenses, such as travel costs, rent, supplies, materials, and equipment. These funds supported approximately 10 attorneys and 4 staff members each year during this 6-year period. During this same period, attorneys within the Indian Resources Section worked 84,638 staff hours on 654 cases defending Indian rights.

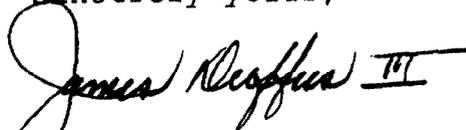
To develop the information included in this fact sheet, we obtained computer-generated statistics from Justice's Land and Natural Resources Division. As agreed with your office, we did not verify the information obtained. The information presented in this fact sheet was, however, reviewed and agreed with by the Deputy Executive Assistant, Land and Natural Resources Division, as to its accuracy and completeness.

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As agreed with your office, unless you publicly announce its contents earlier, we plan no further distribution of this fact sheet until 15 days from the date of this letter. At that time, we will send copies to interested parties and make copies available to others upon request. Should you desire further information, please contact me on (202) 275-7756.

Major contributors to this fact sheet are listed in appendix I.

Sincerely yours,

A handwritten signature in black ink that reads "James Duffus III". The signature is written in a cursive style with a large initial "J" and a horizontal line at the end.

James Duffus III  
Associate Director

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ABBREVIATIONS

GAO	U. S. General Accounting Office
GSA	General Services Administration

SECTION 1

STATISTICAL DATA ON INDIAN RIGHTS CASES HANDLED  
BY JUSTICE'S INDIAN RESOURCES SECTION

Table 1.1 lists the total number and status of all Indian cases, for fiscal years 1982 through 1987, that the Indian Resources Section handled and shows the department or agency that referred the case.

Table 1.1: Status, by Department or Agency, of the Indian Resources Section's Cases

<u>Fiscal year</u> <u>/status</u>	<u>Unassigned<sup>a</sup></u>	<u>Department or agency</u>						<u>Total</u>
		<u>Army</u>	<u>Energy</u>	<u>GSA</u>	<u>Interior</u>	<u>Justice</u>	<u>Transportation</u>	
1982								
Pending <sup>b</sup>	11	1	1	1	565	-	2	581
Closed <sup>c</sup>	1	-	1	-	53	-	1	56
1983								
Pending	16	1	-	1	594	-	1	613
Closed	1	-	-	1	34	-	-	36
1984								
Pending	20	1	1	-	612	-	1	635
Closed	1	-	-	-	43	-	-	44
1985								
Pending	21	1	1	-	592	-	1	616
Closed	3	1	-	-	81	-	-	85
1986								
Pending	23	-	1	-	525	-	1	550
Closed	3	-	-	-	36	-	-	39
1987								
Pending	21	-	1	-	542	1	1	566
Closed	3	-	-	-	38	-	-	41

<sup>a</sup>Unassigned cases represent those cases that were not identified with a particular agency when entered into Justice's computer system.

<sup>b</sup>Pending cases for each fiscal year include all cases carried over from the prior year plus all new cases filed during the year.

<sup>c</sup>For each fiscal year, "closed" includes all cases closed during the fiscal year regardless of when they were filed.

Table 1.2 shows the total hours spent by attorneys within the Indian Resources Section to defend Indian rights and privileges for fiscal years 1982 through 1987.

Table 1.2: Hours Expended by Attorneys of the Indian Resources Section

<u>Fiscal year</u>	<u>Total hours expended<sup>a</sup></u>	<u>Hours spent on Indian cases<sup>b</sup></u>	<u>Cases worked on<sup>c</sup></u>
1982	17,268	12,574	144
1983	16,829	11,495	115
1984	19,816	13,971	106
1985	20,408	14,388	98
1986	21,707	14,962	77
1987	<u>24,417</u>	<u>17,248</u>	<u>114</u>
Total	<u>120,445</u>	<u>84,638</u>	<u>654</u>

<sup>a</sup>The total hours in this column include professional development (training), drafting and reviewing proposed legislation, counseling, administrative time, and leave, in addition to time spent by attorneys on Indian cases.

<sup>b</sup>Hours also include court time and overtime. Even though attorneys record the number of hours associated with overtime for cases, they do not receive additional compensation, because they are salaried employees.

<sup>c</sup>Each year's case count includes all cases worked on during that year, some of which may have been carried over from a previous year.

Table 1.3 lists the type and number of staff within the Indian Resources Section, along with the total salaries associated with each staff type. Salaries are based on grade/step of each staff member as of September 30 for each fiscal year.

Table 1.3: Indian Resources Section's Staff and Salary Costs<sup>a</sup>

<u>Fiscal year</u>	<u>Attorney</u>		<u>Clerical</u>		<u>Total</u>	
	<u>Number</u>	<u>Salary</u>	<u>Number</u>	<u>Salary</u>	<u>Number</u>	<u>Salary</u>
1982	10 <sup>b</sup>	\$ 366,310	4	\$ 66,804	14	\$ 433,114
1983	9	433,192	5	81,086	14	514,278
1984	9	466,500	4	68,153	13	534,653
1985	9	483,819	4	72,070	13	555,889
1986	10	537,172	3	59,208	13	596,380
1987	<u>10</u>	<u>565,030</u>	<u>3</u>	<u>64,591</u>	<u>13</u>	<u>629,621</u>
Total	<u>57</u>	<u>\$2,852,023</u>	<u>23</u>	<u>\$411,912</u>	<u>81</u>	<u>\$3,263,935</u>

<sup>a</sup>Figures were not available showing salary costs for hours spent specifically on Indian cases. Figures shown, as indicated, are total salaries for all hours expended.

<sup>b</sup>One attorney who was paid on a per-day basis and was classified as an other than full-time permanent employee is not included in the salary total.

Justice's financial management group within the Land and Natural Resources Division maintains a financial accounting of all funds expended by each section within the Division, including the Indian Resources Section. Accordingly, table 1.4 lists this section's expenditures by object class for the fiscal years covered by our review.

Table 1.4: Funds Expended by the Indian Resources Section

Expenditures as of September 30

<u>Object class</u>	<u>Fiscal years</u>						<u>Total</u>
	<u>1982</u>	<u>1983</u>	<u>1984</u>	<u>1985</u>	<u>1986</u>	<u>1987</u>	
Personnel compensation and benefits <sup>a</sup>	\$603,527	\$627,679	\$649,488	\$720,387	\$648,114	\$677,934	\$3,927,129
Travel and transportation	57,032	53,157	63,651	70,698	60,016	59,190	363,744
Rent, communication, and utilities	2,351	0	0	565	0	0	2,916
Printing and reproduction	5,267	202	163	10,983	2,715	714	20,044
Other services <sup>b</sup>	49,915	629,666 <sup>c</sup>	24,696	27,043	6,032	11,085	748,437
Supplies and materials	705	2,514	1,948	2,942	4,623	6,037	18,769
Equipment	0	4,070	0	0	13,761	470	18,301
Total	<u>\$718,797</u>	<u>\$1,317,288</u>	<u>\$739,946</u>	<u>\$832,618</u>	<u>\$735,261</u>	<u>\$755,430</u>	<u>\$5,099,340</u>

<sup>a</sup>Figures do not match salaries in table 1.3 because this table includes other costs, such as the agency's share of health insurance premiums, Federal Employees Group Life Insurance, and Civil Service Retirement system contributions.

<sup>b</sup>Includes expenses such as costs for court transcripts and taking depositions.

<sup>c</sup>Justice's fiscal year 1983 expenditures for this object class were \$79,666. The remaining \$550,000 represents moneys given to Justice by the Department of the Interior to allow Justice to hire consultants for a particular case under litigation.

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